

PART 430 - WITHIN-GRADE INCREASES

SUBPART A – GENERAL

430.0 Purpose.

430.1 Coverage.

430.2 Definitions.

430.3 General Provisions.

PART 430 - WITHIN-GRADE INCREASES

SUBPART A – GENERAL

430.0 Purpose.

The purpose of this part is to establish Natural Resources Conservation Service (NRCS) guidelines on granting, delaying and denying within-grade increases.

430.1 Coverage.

- (a) Except as provided at Section 430.1(b), this part covers all NRCS employees who occupy permanent positions classified and paid under the General Schedule and who are paid at less than the maximum step of their grade.
- (b) This part does not apply to:
 - (1) Members of the Senior Executive Service established under Subchapter II of Chapter 31, United States Code, and
 - (2) Individuals appointed by the President, by and with the advice and consent of the Senate.

430.2 Definitions.

The following definitions are applicable to the NRCS within-grade increase determinations:

- (a) **Acceptable Level of Competence (ALOC)** means fully successful performance by an employees which warrants advancement of the employee's rate of basic pay to the next higher step of the grade of his or her position, subject to the requirements of Chapter 5 Code of Federal Regulation (CFR) 531.404.
- (b) **Critical Element** is a component of a position consisting of one or more duties and responsibilities which contributes toward the accomplishment of organizational goals and objectives. A critical element is of such importance that unacceptable performance on the element would result in a determination that the employee's overall performance is unacceptable in the position.
- (c) **Non-critical element** is a component of an employee's position which does not meet the definition of a critical element, but is of sufficient importance to warrant written appraisal and the assignment of an element rating.
- (d) **Performance** is an employee's accomplishment of assigned work or duties and responsibilities as specified in the elements of the employee's position.

General Manual
Title 360 – Human Resources

- (e) **Performance Plan** is the aggregation of an employee's written elements and performance standard(s).
- (f) **Rating of Record** is the performance rating required at the end of the appraisal period, or at such times as the NRCS Performance Management Plan specifies for special circumstances. A rating of record may only be given when an employee has been serving under established and communicated elements and standards in the current position for no fewer than 90 calendar days or other times as specified in the NRCS Performance Management Plan or a negotiated agreement.
- (g) **Waiting Period for Within-Grade Increase** is the minimum time requirement of creditable service to become eligible for consideration of a within-grade increase, as described in 5 CFR 531.405.

430.3 General Provisions.

- (a) It is the responsibility of each supervisor to make a determination of acceptable level of competence (ALOC) for employees covered by this part whenever they become eligible for a within-grade increase (WGI).
- (b) An employee covered by this part who is paid at less than step 10 of the grade of his or her position shall earn advancement in pay to the next higher step of the grade or the next higher rate within the grade upon meeting three requirements:

(1) The employee's performance must be at an acceptable level of competence.

- (i) To be determined at an acceptable level of competence, the employee's most recent rating of record must be at least "Fully Successful" or "Results Achieved."
- (ii) The rating of record used as the basis for the acceptable level of competence must have been assigned no earlier than the most recently completed appraisal period. Normally this is the rating assigned at the end of the last appraisal cycle, but could be earlier or later due to unique circumstances or modifications to the NRCS Performance Management Plan. This means the supervisor must check the last rating for this information.
- (iii) A more current rating of record must be prepared when the within-grade increase decision is not consistent with the most recent rating of record. (i.e. current performance is less than "Fully Successful" or is rated "Results Not Achieved" but the last rating of record was "Fully Successful" or "Results Achieved" or current performance is "Fully Successful" or higher but the rating of record was below "Fully Successful" or "Results Not Achieved").

- (2) Employee must have completed the required waiting period for advancement to the next higher step of the grade of his or her position.

General Manual
Title 360 – Human Resources

- (3) Employee must not have received an equivalent increase during the waiting period.
- (c) Employees must be informed of the specific performance requirements that constitute an acceptable level of competence within the established time frames by communicating the performance standards for the position. Normally this is done in the first 30 days of a rating period or after an employee enters a new position including promotions within the same position. This becomes especially critical whenever the rating of record is more than 90 days old and/or where no rating of record exists from the previous rating period at the time the ALOC is made see exceptions at 5 CFR 531.409 (d)).
- (d) An acceptable level of competence determination shall be communicated to an employee in writing as soon as possible after the completion of the waiting period or other period upon which it was based. If the determination is to approve the within-grade increase, this requirement will be met by giving a copy of a completed Form AD-658 to the employee. Situations requiring a delay or negative determination require more detailed notification which are discussed at Subpart B.
- (e) The supervisor makes one of three decisions pertaining to the ALOC determination:
- (1) Approve Within-Grade Increase;
 - (2) Delay ALOC determination; or
 - (3) Determine WGI should not be granted.

SUBPART B – ACCEPTABLE LEVEL OF COMPETENCE DETERMINATIONS

430.10 Approval of Within-Grade Increase.

430.11 Delay of Acceptable Level of Competence (ALOC) Determination.

430.12 Negative Determination.

430.13 Procedures for Reconsideration of a Negative Determination.

PART 430 – WITHIN-GRADE INCREASES

SUBPART B – ACCEPTABLE LEVEL OF COMPETENCE DETERMINATIONS

430.10 Approval of Within-Grade Increase.

The supervisor approves the within-grade increase under the following conditions:

- (a) None of the conditions cited in Sections 430.11 or 430.12 below for a delay or denial exists; and
- (b) One of the following situations exists:
 - (1) The most recent rating of record is "Results Achieved" or at least "Fully Successful" and is no more than 90 days old on the last date of the waiting period.
 - (2) The most recent rating of record is more than 90 days old, the rating of record is "Results Achieved" or "Fully Successful" or higher, the employee's current performance is at least "Fully Successful" or "Results Achieved," and standards and elements were communicated at least 90 days before the last date of the waiting period.
 - (3) Conditions following a delay or denial of a within-grade increase have been met and the employee's current performance has been found to be "Results Achieved" or "Fully Successful" (see Section 430.13 below).
 - (4) The rating of record is "Results Not Achieved" or less than "Fully Successful," and is more than 90 days old, the employee has been under a new performance plan for at least 90 days since the end of the last waiting period, and the new appraisal of performance is different from the existing rating of record.
- (c) If the conditions above are met, the supervisor approves the WGI and notifies the employee, in writing, on Form AD-658 or other appropriate substitute.

430.11 Delay of Acceptable Level of Competence (ALOC) Determination.

- (a) An acceptable level of competence determination must be delayed when the following occurs:
 - (1) The employee has not been under standards and elements for at least 90 days during the rating period; and
 - (2) No rating of record has been made within 90 days of the last date of the waiting period.
- (b) In the event of a delay, the supervisor takes the following action:

General Manual
Title 360 – Human Resources

- (1) The supervisor informs the employee and the servicing personnel office that his/her ALOC determination is postponed. The employee is also informed of the period of time remaining before the ALOC determination can be made. If the employee has not received performance elements and standards, they must be communicated immediately.
- (2) The supervisor makes an acceptable level of competence determination at the end of the period of delay and notifies the employee and the servicing personnel office in writing of the ALOC determination.
- (3) If the employee's performance during the delayed period is "Results Achieved" or "Fully Successful" or higher, the within-grade is granted retroactively to the date it was originally due.
- (4) If the employee's performance during the delayed period is "Results Not Achieved" or below "Fully Successful," then procedures shown under Section 430.12 are followed. The supervisor must notify the employee and the servicing personnel office, in writing, of this decision.

430.12 Negative Determination.

- (a) If the supervisor determines that the performance of the employee is "Results Not Achieved" or is less than "Fully Successful" upon completion of the waiting period or the period of a delay, the supervisor notifies the employee of that determination in writing as follows:
 - (1) State the reasons for the negative determination and how the employee must improve his or her performance in order to be granted a within-grade increase.
 - (2) Inform the employee of his or her right to request reconsideration of the determination. See Section 430.13 for reconsideration procedures.
 - (3) If the new evaluation of performance is different from the existing rating of record, (i.e. rating of record is "Results Achieved" or "Fully Successful" or higher and new evaluation indicates a rating of "Results Not Achieved" or below "Fully Successful," a new rating of record must be completed and a new performance plan communicated to the employee.
- (b) After a within-grade has been withheld, the supervisor shall periodically review the performance to determine if the acceptable level of competence has been met. At a minimum this review will occur approximately 90 days after the determination was made to deny the increase. The supervisor shall make an acceptable level of competence determination no later than 52 calendar weeks following the original eligibility for the within-grade increase, for as long as the within-grade increase continues to be denied and each 52 calendar weeks thereafter. If the performance is determined to be at the unacceptable level, the supervisor should commence actions under regulations prescribed at 5 CFR 432.

430.13 Procedures for Reconsideration of a Negative Determination.

- (a) When a negative determination of a within-grade increase has been made, the supervisor and other responsible officials must follow the procedures outlined at 5 CFR 531.410.
- (b) The human resources staff must be consulted on all negative determinations and will assist the supervisor and reconsideration official by reviewing all documentation, letters, and responses regarding the determination.
- (c) The supervisor is responsible for preparing a notice of negative determination after consultation with the human resources staff.
- (d) The reconsideration official who reviews and issues a decision, upon request of the employee, is normally the second line supervisor of the employee. After the reconsideration official completes the review, a decision will be issued to the employee containing appropriate appeal rights to the Merit Systems Protection Board or through the negotiated grievance procedure.